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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,332	04/09/2004	Glen Anderson	P2003US00	1005

35633 7590 03/23/2007

GATEWAY, INC.

610 GATWAY DRIVE

ATTENTION: GAYLE BEKISH, MAIL DROP Y-04

NORTH SIOUX CITY, SD 57049

EXAMINER

SHIN, CHRISTOPHER B

ART UNIT

PAPER NUMBER

2181

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/821,332

Applicant(s)

ANDERSON, GLEN

Examiner

Christopher B. Shin

Art Unit

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30, 32 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 9-17, 25, 28, 29 and 32 is/are rejected.
- 7) ☒ Claim(s) 3, 6-8, 18-24, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. The amendment received January 5<sup>th</sup>, 2007 has been entered and carefully considered. Claims 1-30, 32 & 34-36 are pending in the application.

### ***Allowable Subject Matter***

2. Claims 3, 6-8, 18-24, 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 32 is improper dependent claim, due to the amendment. Claims 30 & 34-35 are allowable over the prior art of record.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 is an improper dependent claim (i.e., dependent from a cancelled claim 31).

***Response to Arguments***

5. Applicant's arguments filed January 5<sup>th</sup> 2007 have been fully considered but they are not persuasive.

On pages 10-12, the applicant basically argued the examiner's 103 rejection rationale/motivation was disagreed by the applicant based on the Casden reference teachings of "simpler", "lower cost" & "economical". The examiner traverses such argument for the following reasons: firstly, the examiner did not rely on such argued teachings; secondly, as can be seen from the Rix reference SUMMARY section of the Rix reference clearly supports the examiner's rationale; and finally, the examiner does not see the connection between the examiner rationale and the applicant's arguments (i.e., what does simpler, lower cost & economical have anything to do with better flexibility and convenience ?). For the above reasons, the examiner maintains the art rejection as follows.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4-5, 9-17, 25 & 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casden (6,828,902) in view of Rix et al. (6,903,662).

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- a. Casden teaches the claimed limitations as follows (the following identification of figure number should be accompanied with the respective descriptive sections):

Claims 1-2, 4-5, 9-17, 25, 28-29 Casden (6,828,902)

- A computer having at least one input device
  - Figure 3
- An input device including at least one RF transponder that is controlled by a user to be selectively capable or incapable of transmitting a signal
  - Figure 3, SW1-SW7 to select (A, B, C)
- A computing arrangement including a reader and a microprocessor, the computing arrangement being adapted to receive and decode the signal from the at least one RF transponder
  - Feature of RFID reader
- A display adapted to display information represented by the signal
  - Feature of Rix Reference, figure 6, (64)
- Wherein the input device includes a pointing device
  - Feature of Rix, column 1, lines 45-48
- Wherein the at least one RF transponder is configured as part of an RFID device, the at least one RF transponder being controlled to be capable of transmitting the signal by connecting an integrated circuit and an antenna and is controlled to be incapable of transmitting the signal by disconnecting the integrated circuit and the antenna
  - Feature of figure 3
- Wherein the input device includes a keypad having a plurality of keys
  - Feature of figure 3, column 7, line 27
- Wherein the keypad is arranged such that, when one of the pluralities of keys is depressed, an antenna is caused to connect with a corresponding integrated circuit and send a signal
  - Feature of figure 3, ABC are independently controlled by SW1, SW2, SW4
- Wherein the input device includes a pointing device
  - Feature of Rix, column 1, lines 45-48
- Wherein the computer is adapted to be connected to by wires to one or more wired input device adapted to perform the same function as the input device
  - Feature of Rix reference figure 6, (64) which can be connected to USB input devices.

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- Wherein the input device is adopted to be communicate via wiring to the computing arrangement and to be disconnected from the wiring and communicate via the at least on RF transponder
  - Combination features of Rix and Casden
- Wherein the computing arrangement causes status information pertaining to the input device on the display
  - Obvious form combination features of Rix & Casden
- Wherein the input device operates together with another RFID product
  - Obvious form combination features of Rix & Casden
- Wherein the computing arrangement is adapted to receive and decode the signal from the at least one RF transponder only when the computing arrangement detects the presence of an authorized RFID tag
  - Obvious form combination features of Rix & Casden
- Wherein the display includes a printer /monitor
  - Obvious form combination features of Rix & Casden
- Wherein the at lest one RF transponder includes a plurality of RF transponders
  - Obvious form combination features of Rix & Casden
- an input device including at least one RF transponder that is configured as part of an RFID device, the at least one RF transponder being controllable by a user to be selectively capable or incapable of transmitting a signal
  - Figure 3, SW1-SW7 to select (A, B, C)
- wherein the input device is adapted to cooperate with a computing arrangement including a reader an a microprocessor, the computing arrangement being adapted to receive and decode the signal from the at least one RF transponder
  - feature of RFID reader
- wherein the input device includes a pointing device
  - feature of Rix, column 1, lines 45-48

b. The main difference between the claimed invention and the teachings of the Casden reference is that the Casden reference does not expressly disclose applications/utilizations of using RFID/RF transponder as an input/output device such as a display or a pointing device of a computer arrangement. However, such undisclosed details are expressly disclosed by the Rix reference. As can be seen from the SUMMARY (Columns 1-2, & Figures 1-2, 6, 20), the Rix reference teaches the details and motivation of using RFID/RF transponder as a computer input/output device for better flexibility & convenience. In addition, in

figure 6 & the respective description section, Rix teaches connecting such input/output device to HOST COMPUTER (64) as if a commonly known computer with I/O peripheral. See column 9, lines 8-62.

Since both the Casden and Rix references are closely related & directed to RFID/RF transponder input device systems; furthermore, the Rix reference teaches the motivation of using RFID/RF transponder device as parts of the input devices, it would have been obvious at the time the invention was made to one having ordinary skill in the art to combine the Casden reference-RFID/RF transponder detailed teachings with Rix reference-motivation of using RFID/RF transponder teachings to come up with the claimed invention for the better flexibility & convenience.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571-272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHRISTOPHER SHIN  
PRIMARY EXAMINER  
OF 2181

March 19, 2007  
cbs

A handwritten signature in black ink, appearing to be 'C. Shin', written over a horizontal line.